

AMENDED IN SENATE MARCH 12, 2014

**SENATE BILL**

**No. 844**

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**Introduced by Senator Pavley**

*(Coauthors: Senators Block, Correa, De León, DeSaulnier, Leno,  
and Padilla)*

*(Coauthors: Assembly Members Dickinson, Garcia, and Wieckowski)*

January 8, 2014

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An act to amend Sections 9084 and 9086 of the Elections Code, and to amend Sections 88001 and 88002 of, and to add Section 12173.5 to, the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 844, as amended, Pavley. Elections: ballot measure contributions.

Existing law requires each campaign committee formed or existing primarily to support or oppose a statewide ballot measure to file with the Secretary of State periodic reports identifying the sources and amounts of contributions received during specified periods. Existing law, including the Political Reform Act of 1974, also specifies information required to be included in the statewide ballot pamphlet for each statewide ballot measure to be voted upon.

This bill would require the Secretary of State to post on his or her Internet Web site, for each statewide ballot measure, a list of the 10 highest contributors of \$50,000 or more who have made the largest cumulative amount of contributions to campaign committees formed or existing primarily to support or oppose that ballot measure. The bill would require the Secretary of State to update each list of contributors at specified intervals up until 2 business days before the election and to post a final version of each list by a specified date after the election. In addition, the bill would require the statewide ballot pamphlet to

include a printed statement that refers voters to the Secretary of State's Internet Web site for the above-described lists of contributors.

The Political Reform Act of 1974, an initiative measure, generally provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements. The act also provides that, notwithstanding this requirement, the Legislature may add to the ballot pamphlet information regarding candidates or other information.

This bill, which would permit or require additional information to be included in the ballot pamphlet, would therefore require a majority vote.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 9084 of the Elections Code is amended  
2 to read:  
3     9084. The ballot pamphlet shall contain all of the following:  
4     (a) A complete copy of each state measure.  
5     (b) A copy of the specific constitutional or statutory provision,  
6 if any, that each state measure would repeal or revise.  
7     (c) A copy of the arguments and rebuttals for and against each  
8 state measure.  
9     (d) A copy of the analysis of each state measure.  
10    (e) Tables of contents, indexes, art work, graphics, and other  
11 materials that the Secretary of State determines will make the ballot  
12 pamphlet easier to understand or more useful for the average voter.  
13    (f) A notice, conspicuously printed on the cover of the ballot  
14 pamphlet, indicating that additional copies of the ballot pamphlet  
15 will be mailed by the county elections official upon request.  
16    (g) A written explanation of the judicial retention procedure as  
17 required by Section 9083.  
18    (h) The Voter Bill of Rights pursuant to Section 2300.  
19    (i) (1) If the ballot contains an election for a state measure, a  
20 printed statement that refers voters to the Secretary of State's  
21 Internet Web site for information about the 10 highest contributors  
22 to primarily formed committees supporting or opposing each state  
23 measure, as provided for in Section 12173.5 of the Government  
24 Code.

(2) The printed statement required by paragraph (1) shall read substantially similar to the following: “To learn who are the 10 highest contributors to committees supporting or opposing each state measure, access the Secretary of State’s Internet Web site at [Internet Web site address].”

(j) If the ballot contains an election for the office of United States Senator, information on candidates for United States Senator. A candidate for United States Senator may purchase the space to place a statement in the state ballot pamphlet that does not exceed 250 words. The statement may not make any reference to any opponent of the candidate. The statement shall be submitted in accordance with timeframes and procedures set forth by the Secretary of State for the preparation of the state ballot pamphlet.

(k) If the ballot contains a question on the confirmation or retention of a justice of the Supreme Court, information on justices of the Supreme Court who are subject to confirmation or retention.

(l) If the ballot contains an election for the offices of President and Vice President of the United States, a notice that refers voters to the Secretary of State’s Internet Web site for information about candidates for the offices of President and Vice President of the United States.

SEC. 2. Section 9086 of the Elections Code is amended to read:

9086. The ballot pamphlet shall contain as to each state measure to be voted upon, the following, in the order set forth in this section:

(a) (1) Upon the top portion of the first page, and not exceeding one-third of the page, shall appear:

(A) Identification of the measure by number and title.

(B) The official summary prepared by the Attorney General.

(C) The total number of votes cast for and against the measure in both the State Senate and Assembly, if the measure was passed by the Legislature.

(2) The space in the title and summary that is used for an explanatory table prepared pursuant to paragraph (2) of subdivision (e) of Section 9087 and Section 88003 of the Government Code shall not be included when measuring the amount of space the information described in paragraph (1) has taken for purposes of determining compliance with the restriction prohibiting the information described in paragraph (1) from exceeding one-third of the page.

(b) Beginning at the top of the right page shall appear the analysis prepared by the Legislative Analyst, provided that the analysis fits on a single page. If it does not fit on a single page, the analysis shall begin on the lower portion of the first left page and shall continue on subsequent pages until it is completed.

(c) Immediately below the analysis prepared by the Legislative Analyst shall appear the printed statement that refers voters to the Secretary of State's Internet Web site for information about the 10 highest contributors to primarily formed committees supporting or opposing each state measure, as described in subdivision (i) of Section 9084.

(d) Arguments for and against the measure shall be placed on the next left and right pages, respectively, following the final page of the analysis of the Legislative Analyst. The rebuttals shall be placed immediately below the arguments.

(e) If no argument against the measure has been submitted, the argument for the measure shall appear on the right page facing the analysis.

(f) The complete text of each measure shall appear at the back of the pamphlet. The text of the measure shall contain the provisions of the proposed measure and the existing provisions of law repealed or revised by the measure. The provisions of the proposed measure differing from the existing provisions of law affected shall be distinguished in print, so as to facilitate comparison.

(g) The following statement shall be printed at the bottom of each page where arguments appear: "Arguments printed on this page are the opinions of the authors, and have not been checked for accuracy by any official agency."

SEC. 3. Section 12173.5 is added to the Government Code, to read:

12173.5. (a) (1) The Secretary of State shall post on his or her Internet Web site both of the following:

(A) A list of the 10 highest contributors of fifty thousand dollars (\$50,000) or more who have made the largest cumulative amount of contributions to primarily formed committees supporting each statewide ballot measure.

(B) A list of the 10 highest contributors of fifty thousand dollars (\$50,000) or more who have made the largest cumulative amount

1 of contributions to primarily formed committees opposing each  
2 statewide ballot measure.

3 *(2) Each list required by paragraph (1) shall identify the names*  
4 *of the 10 contributors who have made the largest cumulative*  
5 *contributions to the committee, the total amount of each*  
6 *contributor's contributions, the employer and occupation of the*  
7 *contributor, if any, the city and state of the contributor, and the*  
8 *contributor's committee identification number, if any.*

9 ~~(2)~~

10 (3) Each list required by paragraph (1) shall be in order from  
11 the contributor who made the largest cumulative amount of  
12 contributions to the contributor who made the smallest cumulative  
13 amount of contributions. If two or more contributors made an equal  
14 amount of contributions, the contributor who made the most recent  
15 contribution shall be placed higher on the list.

16 ~~(3)~~

17 (4) Each list required by paragraph (1) shall reflect the  
18 cumulative amount of contributions received by primarily formed  
19 committees beginning 12 months before the date each committee  
20 made its first expenditure to qualify, support, or oppose the  
21 measure.

22 ~~(4)~~

23 (5) If a contributor is a committee controlled by a candidate, as  
24 defined in Section 82016, the name of the candidate shall be listed.

25 ~~(5)~~

26 (6) If a contributor is a sponsored committee, as defined in  
27 Section 82048.7, the name of the sponsor shall be listed.

28 (b) The Secretary of State shall update each list required by  
29 subdivision (a) within five business days after the campaign  
30 statement deadlines provided for in Section 84202.3, and within  
31 five business days after any late contribution report filed pursuant  
32 to Section 84203 if the information in the report affects the lists  
33 required by subdivision (a). During the 16 days before the election  
34 for each statewide ballot measure, each list required by subdivision  
35 (a) shall be updated every 48 hours to include new contributions,  
36 with a final update two business days before the election.

37 (c) The Secretary of State shall, within 10 business days after  
38 the January 31 filing deadline provided for in subdivision (a) of  
39 Section 84200, post a final version of each list required by

1 subdivision (a) for any statewide ballot measure voted on in the  
2 previous calendar year.

3 (d) The Secretary of State shall post in a prominent place on  
4 the homepage of his or her Internet Web site a hyperlink to the  
5 lists required by subdivision (a). The Secretary of State shall  
6 provide in the online version of the statewide ballot pamphlet an  
7 easily accessible hyperlink to the lists required by subdivision (a).

8 (e) The definitions set forth in Chapter 2 (commencing with  
9 Section 82000) of Title 9 shall apply to this section.

10 SEC. 4. Section 88001 of the Government Code is amended  
11 to read:

12 88001. The ballot pamphlet shall contain all of the following:

13 (a) A complete copy of each state measure.

14 (b) A copy of the specific constitutional or statutory provision,  
15 if any, that would be repealed or revised by each state measure.

16 (c) A copy of the arguments and rebuttals for and against each  
17 state measure.

18 (d) A copy of the analysis of each state measure.

19 (e) Tables of contents, indexes, art work, graphics and other  
20 materials that the Secretary of State determines will make the ballot  
21 pamphlet easier to understand or more useful for the average voter.

22 (f) A notice, conspicuously printed on the cover of the ballot  
23 pamphlet, indicating that additional copies of the ballot pamphlet  
24 will be mailed by the county elections official upon request.

25 (g) A written explanation of the judicial retention procedure as  
26 required by Section 9083 of the Elections Code.

27 (h) The Voter Bill of Rights pursuant to Section 2300 of the  
28 Elections Code.

29 (i) (1) If the ballot contains an election for a state measure, a  
30 printed statement that refers voters to the Secretary of State's  
31 Internet Web site for information about the 10 highest contributors  
32 to primarily formed committees supporting or opposing each state  
33 measure, as provided for in Section 12173.5.

34 (2) The printed statement required by paragraph (1) shall read  
35 substantially similar to the following: "To learn who are the 10  
36 highest contributors to committees supporting or opposing each  
37 state measure, access the Secretary of State's Internet Web site at  
38 [Internet Web site address]."

39 (j) If the ballot contains an election for the office of United  
40 States Senator, information on candidates for United States Senator.

1 A candidate for United States Senator may purchase the space to  
2 place a statement in the state ballot pamphlet that does not exceed  
3 250 words. The statement may not make any reference to any  
4 opponent of the candidate. The statement shall be submitted in  
5 accordance with timeframes and procedures set forth by the  
6 Secretary of State for the preparation of the state ballot pamphlet.

7 (k) If the ballot contains a question as to the confirmation or  
8 retention of a justice of the Supreme Court, information on justices  
9 of the Supreme Court who are subject to confirmation or retention.

10 (l) If the ballot contains an election for the offices of President  
11 and Vice President of the United States, a notice that refers voters  
12 to the Secretary of State's Internet Web site for information about  
13 candidates for the offices of President and Vice President of the  
14 United States.

15 (m) A written explanation of the appropriate election procedures  
16 for party-nominated, voter-nominated, and nonpartisan offices as  
17 required by Section 9083.5 of the Elections Code.

18 SEC. 5. Section 88002 of the Government Code is amended  
19 to read:

20 88002. The ballot pamphlet shall contain as to each state  
21 measure to be voted upon, the following in the order set forth in  
22 this section:

23 (a) (1) Upon the top portion of the first page and not exceeding  
24 one-third of the page shall appear:

25 (A) The identification of the measure by number and title.

26 (B) The official summary prepared by the Attorney General.

27 (C) The total number of votes cast for and against the measure  
28 in both the State Senate and Assembly if the measure was passed  
29 by the Legislature.

30 (2) The space in the title and summary that is used for an  
31 explanatory table prepared pursuant to paragraph (2) of subdivision  
32 (e) of Section 9087 of the Elections Code and Section 88003 shall  
33 not be included when measuring the amount of space the  
34 information described in paragraph (1) has taken for purposes of  
35 determining compliance with the restriction prohibiting the  
36 information described in paragraph (1) from exceeding one-third  
37 of the page.

38 (b) Beginning at the top of the right page shall appear the  
39 analysis prepared by the Legislative Analyst, provided that the  
40 analysis fits on a single page. If it does not fit on a single page,

1 then the analysis shall begin on the lower portion of the first left  
2 page and shall continue on subsequent pages until it is completed.

3 (c) Immediately below the analysis prepared by the Legislative  
4 Analyst shall appear the printed statement that refers voters to the  
5 Secretary of State's Internet Web site for information about the  
6 10 highest contributors to primarily formed committees supporting  
7 or opposing each state measure, as described in subdivision (i) of  
8 Section 88001.

9 (d) Arguments for and against the measure shall be placed on  
10 the next left and right pages, respectively, following the page on  
11 which the analysis of the Legislative Analyst ends. The rebuttals  
12 shall be placed immediately below the arguments.

13 (e) If no argument against the measure has been submitted, the  
14 argument for the measure shall appear on the right page facing the  
15 analysis.

16 (f) The complete text of each measure shall appear at the back  
17 of the pamphlet. The text of the measure shall contain the  
18 provisions of the proposed measure and the existing provisions of  
19 law repealed or revised by the measure. The provisions of the  
20 proposed measure differing from the existing provisions of law  
21 affected shall be distinguished in print, so as to facilitate  
22 comparison.

23 (g) The following statement shall be printed at the bottom of  
24 each page where arguments appear: "Arguments printed on this  
25 page are the opinions of the authors and have not been checked  
26 for accuracy by any official agency."

27 SEC. 6. The Legislature finds and declares that this act permits  
28 or requires the inclusion of additional information in the ballot  
29 pamphlet in accordance with Section 88007 of the Government  
30 Code.